

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANTOINETTE MARQUEZ,

Plaintiff,

v.

No. 1:24-cv-00423-KG-JMR

AMBER BAKER-CHAVEZ, *et al.*,

Defendants.

ORDER DENYING MOTION TO DISMISS WITHOUT PREJUDICE

Defendants Stephen Matthew Torres, Teresa Hanlon and all staff of Trujillo Dodd, Torres & O'Brien, LLC, d/b/a Family Law Firm, LLC, filed their Second Motion to Dismiss. *See* Doc. 108, filed January 27, 2025. *Pro se* Plaintiff subsequently filed her Fifth Amended Complaint, Doc. 110, filed January 31, 2025, pursuant to Court Order. *See* Doc. 107, filed January 13, 2025 (ordering Plaintiff to file a fifth amended complaint). The Court denies Defendants' Second Motion to Dismiss without prejudice. *See Franklin v. Kansas Dept. of Corrections*, 160 Fed.Appx. 730, 734 (10th Cir. 2005) ("[a]n amended complaint supersedes the original complaint and renders the original complaint of no legal effect.") (citing *Miller v. Glanz*, 948 F.2d 1562, 1565 (10th Cir.1991)). Defendants may file a motion to dismiss the claims in Plaintiff's Fifth Amended Complaint.

IT IS ORDERED that Defendants' Second Motion to Dismiss, Doc. 108, filed January 27, 2025, is **DENIED without prejudice**.



KENNETH J. GONZALES
CHIEF UNITED STATES DISTRICT JUDGE